IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

DAWN C. SANCHEZ,

٧.

Plaintiff,

COMMONWEALTH EDISON COMPANY n/k/a EXELON CORPORATION,

Defendant.

02C 6218

JUDGE PLUNKE

MAGISTRATE JUDGE KEYS

<u>Jury Trial Requested</u>

DOCKETED

COMPLAINT

SEP 0 3 2002 NOW COMES Plaintiff, by and through her attorneys, LISA KANE & ASSOCIATES, P.C., and complaining of Defendant, COMMONWEALTH EDISON COMPANY n/k/a EXELON CORPORATION, states as follows:

PRELIMINARY STATEMENT

1. This is an action seeking redress for the violation of rights guaranteed to Plaintiff by Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. Plaintiff seeks mandatory injunctive relief and damages to redress Defendants' discriminatory employment practices.

JURISDICTIONAL STATEMENT

2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1343(a)(3) and (4) and 28 U.S.C. § 1331 to secure protection of and to redress deprivation of rights secured by 42 U.S.C. §§ 2000e et seq. (Title VII). Declaratory relief is sought under 28 U.S.C. §§ 2201 and 2202.

VENUE

3. Venue is proper under 28 U.S.C. § 1391(b)(1) and (2).

PARTIES

- 4. Plaintiff, DAWN C. SANCHEZ, is a female citizen of the United States who resides in Wilmington, Illinois.
- 5. Defendant, COMMONWEALTH EDISON COMPANY n/k/a EXELON CORPORATION, is a public corporation properly recognized and sanctioned by the laws of the State of Illinois. Defendant has continuously and does now employ more than fifteen employees and is engaged in an industry that affects commerce. Defendant is subject to the jurisdiction of the Court as an employer within the meaning of 42 U.S.C. § 2000e(b).

PROCEDURE

6. Plaintiff filed a charge with the Equal Employment Opportunity Commission ("EEOC") on July 2, 2002. The EEOC issued Plaintiff a Notice of Right to Sue on July 11, 2002, which was received on July 15, 2002. The Notice of Right to Sue entitles Plaintiff to initiate a civil action in the appropriate forum within ninety (90) days of the receipt of said Notice. Plaintiff initiated this action within said ninety (90) day period.

COUNT I – TITLE VII - RETALIATION

- 7. Paragraphs one (1) through six (6) are incorporated by reference as if fully set forth herein.
- 8. Defendant hired Plaintiff on April 30, 1976, as a station laborer and by July 1978 promoted Plaintiff to Radiation Chemical Technician at Defendant's Dresden Nuclear Power Plant facility.
- 9. Plaintiff performed her duties to the reasonable satisfaction of the Defendant at all times relevant to this action.
 - 10. On November 4, 1997, after filing charges with the EEOC, Plaintiff filed a federal

lawsuit in the Northern District of Illinois against Defendant alleging sex discrimination, hostile work environment sexual harassment, and retaliation for opposing the hostile work environment. On January 6, 1999, this case was resolved in favor of Defendant based on its summary judgment motion.

- On November 2, 1999 and October 31, 2000, Plaintiff filed additional charges of discrimination with the EEOC against Defendant alleging hostile work environment sexual harassment and retaliation. Plaintiff filed a second federal lawsuit in the Northern District of Illinois against Defendant based on these charges. On March 27, 2002, this case was resolved in favor of Defendant based on its summary judgment motion.
- 12. Throughout the litigation of the two federal discrimination cases, Plaintiff continually opposed sexually harassing conduct in Defendant's workplace and complained to numerous supervisors in the company.
- 13. On February 12, 2002, Plaintiff's employment was terminated for allegedly distributing a generic form of Vicodin to another employee approximately two (2) years prior to Plaintiff's termination.
- 14. On information and belief, other employees who had alcohol and/or illegal drugs in their systems at Defendant's workplace have received lower forms of discipline and have not been terminated.
 - 15. The asserted reasons for Plaintiff's termination remain pretextual.
- 16. As a direct and proximate result of Plaintiff's opposition to sexually harassing conduct in Defendant's workplace and the resulting litigation, Defendant retaliated against Plaintiff and she has endured adverse terms and conditions of employment with the Defendant, including but not limited to the termination of her employment, the attendant loss of income and benefits, and

emotional distress and humiliation.

- 17. The aforementioned acts of Defendant constitute unlawful retaliation for Plaintiff's opposition to sexual harassment and discrimination, in violation of the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq.
- 18. As a direct and proximate result of the above alleged willful and reckless acts or omissions of Defendant, Plaintiff has suffered damages, including but not limited to, lost and foregone wages and benefits.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff DAWN C. SANCHEZ prays for judgment against Defendant and respectfully requests that this Court:

- A. Declare the conduct of Defendant to violate the rights guaranteed to Plaintiff under appropriate Federal Law;
- B. Grant a permanent injunction retraining Defendant, its officers, successors, assigns, and all persons in active concert or participation with them, from engaging in any employment practice which unlawfully discriminates on the basis of sex, and retaliates against an individual for complaining of an unlawful employment practice;
- C. Order Defendant to make whole DAWN C. SANCHEZ by providing the affirmative relief necessary to eradicate the effects of Defendant's unlawful practices;
- D. Grant Plaintiff actual, consequential, compensatory, punitive and any other damages that the Court may deem appropriate against Defendant;
- E. Grant Plaintiff her attorney fees, costs, disbursements; and
- F. Grant Plaintiff such further relief as the Court deems necessary and proper in the public interest.

JURY TRIAL DEMAND

19. Plaintiff requests a jury trial on all issues of fact and law raised by the allegations in this Complaint.

Respectfully submitted, DAWN C. SANCHEZ, Plaintiff,

LISA KANE & ASSOCIATES Attorneys for Plaintiff 120 South LaSalle Street, Suite 1420 Chicago, IL 60603 (312) 606-0383 Attorney Code No. 06203093

Verification

I, Dawn C. Sanchez, declare under penalty of perjury that the foregoing is true and correct. Executed on August 5, 2002.

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RTS

NOTICE OF RIGHT TO SUE

(Issued on request)									
To: Ms. Dawn Sanchez 20750 Route 102 Wilmington, Illinois 60481 Certified No.: 7001 1940 000 On behalf of a person aggrieved where (29 C.F.R. 1601.7(a))		From :	500 Wes	mployment Opportunity Commission st Madison Street 300 , Illinois 60661					
Charge Number	EEOC Representa	tive		Telephone Number					
210A203778	Daniel McGuire, Supe	ervisor		(312) 353-7511					
(See the additional information attached	d to this form.)								
you charge, YOU MUST DO SO WITHIN N TO SUE IS LOST.	INETY (90) DAYS OF YO	OUR RECEIF		st. If you intend to sue the respondent(s) named in S NOTICE: OTHERWISE YOUR RIGHT					
X Less than 180 days have expi	More than 180 days have expired since the filing of this charge. Less than 180 days have expired since the filing of this charge, but I have determined that the commission will be unable to complete its process within 180 days from the filing of the charge.								
X With the issuance of this NO	With the issuance of this NOTICE OF RIGHT TO SUE, the Commission is terminating its process with respect to this charge.								
It has been determined that th	It has been determined that the Commission will continue to investigate your charge.								
ADEA: While Title VII and the ADA require EEOC to issue this notice of right to sue before you can bring a lawsuit you may sue under the Age Discrimination in Employment Act (ADEA) any time 60 days after your charge was filed until 90 days after you received notice that EEOC has completed action on your charge. Because EEOC is closing your case, your lawsuit under the ADEA must be brought within 90 days of your receip									
of this notice. Otherwise, your right to sue is lost. EEOC is continuing its investigation. You will be notified when we have completed action and, if our									
EPA: While Title VII and the ADA require EEOC to issue this Notice of Right to Sue before you can bring a lawsuit you already have the right to sue under the Equal Pay Act (EPA). (You are not required to complain to any enforcement agency before bringing and EPA suit court). EPA suits must be brought within 2 years (3 years for willful violations) of the alleged EPA underpayment.									
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Date		Jøhn P. R	trict Director)层区屋IV屋内						
Enclosures				III 1 7 0000					
Information Sheet Copy of Charge			, -	JUL 1 5 2002					
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cc: Respondent(s)

Commonwealth Edison

EEOC Form 161name-B (Test 10/94)

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120	South LaSalle Street Suite 1420							
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JUDGE PLUNKE POCKETI

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YES

MEMBER OF TRIAL BAR?

DESIGNATED AS LOCAL COUNSEL?

TRIAL ATTORNEY?

X

MEMBER OF TRIAL BAR?

DESIGNATED AS LOCAL COUNSEL?

TRIAL ATTORNEY?

Case: 1:02-cv-06218 Document #: 1 Filed: 08/30/02 Page 10 of 10 PageID #:10

JUDGE PLUNKETT

NORTHERN DISTRICT OF ILLINOIS AGISTRATE JUDGE KEYS

In the Matter of DAWN C. SANCHEZ

02C 6218

v.					Case Nu	Case Number:				DOCKETED			
COMMONWEALTH EDISON	CO. n/k/	a EXI	ELO	N COI	RPORATION	·				3 2002			
APPEARANCES ARE HEREB	Y FILED	BY '	THE	UND	ERSIGNED AS ATTORN	EY(S)	FOR	:	EP 0				
DAWN C. SANCHEZ		,					S. DIS			771 F			
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SIGNATURE (E)	_				SIGNATURE	(F)		~ —		,- ,			
7-7-0													
NAME Terrence F. Canela					NAME								
FIRM Lisa Kane & Associates, P.O.	J				FIRM								
STREET ADDRESS 120 South LaSalle Street, #1420			STREET ADDRESS										
CITY/STATE/ZIP Chicago, Illinois 6060)3				CITY/STATE/ZIP		•						
TELEPHONE NUMBER 3 12-606-0383	FAX NUMBE	R 312-	606	-0765	TELEPHONE NUMBER	FAXN	UMBER						
E-MAIL ADDRESS	<u> </u>				E-MAIL ADDRESS								
					IDENTIFICATION NUMBER (SEE ITEM 4 ON	REVERSE)							
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	0627465	0			<u> </u>								
MEMBER OF TRIAL BAR?	YES		NO	<u>X</u>	MEMBER OF TRIAL BAR?	YES		МО					
TRIAL ATTORNEY?	YES	X	NO		TRIAL ATTORNEY?	YES		ио					
					DESIGNATED AS LOCAL COUNSEL?	YES		МО					
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SIGNATURE					SIGNATURE								
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MEMBER OF TRIAL BAR?	YES		NO		MEMBER OF TRIAL BAR?	YES		NO		·			
TRIAL ATTORNEY?	YES		NO		TRIAL ATTORNEY?	YES		МО		<i>"</i> .			

YES

DESIGNATED AS LOCAL COUNSEL?

NO

DESIGNATED AS LOCAL